

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Stamm et al.

Art Unit: 1615

Application No: 10/665,522

Examiner: H. N. Sheikh

Confirmation No: 5813

Filed: September 22, 2003

Atty. Docket No: 31672-224622

For: FENOFIBRATE COMPOSITIONS HAVING  
ENHANCED BIOAVAILABILITY

Customer No:

26694

PATENT TRADEMARK OFFICE

**RESPONSE TO ELECTION OF SPECIES REQUIREMENT**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Madam:

In response to the election of species requirement set forth in the Office Action mailed October 31, 2008, Applicant hereby elects Cmax.

Applicant understands that upon the allowance of a generic claim, Applicant will be entitled to consideration of claims to additional species, provided that all claims are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141.

Early and favorable consideration of the application on the merits is respectfully requested.

Dated: April 30, 2009

Respectfully submitted,

By C. A. Hobbs  
Ann S. Hobbs  
Registration No.: 36,830  
VENABLE LLP  
P.O. Box 34385  
Washington, DC 20043-9998  
(202) 344-4000  
(202) 344-8300 (Fax)  
Attorney/Agent For Applicant